

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

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**FISCAL IMPACT STATEMENT**

**LS 6554**

**BILL NUMBER:** SB 343

**NOTE PREPARED:** Dec 9, 2004

**BILL AMENDED:**

**SUBJECT:** Use of Mobile Phone While Driving.

**FIRST AUTHOR:** Sen. Antich-Carr

**BILL STATUS:** As Introduced

**FIRST SPONSOR:**

**FUNDS AFFECTED:** X GENERAL  
X DEDICATED  
FEDERAL

**IMPACT:** State & Local

**Summary of Legislation:** The bill makes it a Class B infraction with a fine of \$1,000 to operate a motor vehicle while using a mobile telephone, except in emergency situations. It authorizes an individual who views an operator of a motor vehicle committing this violation on certain highways to report the incident to the State Police or sheriff, and it requires the State Police or sheriff to issue a notice to the registered owner of the motor vehicle stating that an offense has been observed.

**Effective Date:** July 1, 2005.

**Explanation of State Expenditures:** A person who observes a violation of the section may report the violation to the nearest State Police post or sheriff's department in the county in which the use occurred, and the State Police Department or sheriff's department shall issue a notice stating the particulars of the violation, the offense observed, and the penalty for the offense. Administrative costs would increase for the State Police to verify the report and issue the notice. However, there are no data available to indicate how many notices the State Police may have to issue. Consequently, these costs cannot be specifically estimated.

**Explanation of State Revenues:** If additional court cases occur, revenue to the state General Fund may increase if infraction judgments and court fees are collected. The judgment for this Class B infraction would be \$1,000, which is deposited in the state General Fund. If court actions are filed and a judgment is entered, a court fee of \$70 would be assessed, 70% of which would be deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court.

**Explanation of Local Expenditures:** As administrative costs would increase for the State Police to verify the

report and issue the notice, so too the administrative costs for local sheriff's departments would increase. However, the magnitude of the increase cannot be estimated because there are no data available to indicate how many notices may be issued or the costs to the various counties to issue the notices.

**Explanation of Local Revenues:** If additional court actions are filed and a judgment is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$70 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

**State Agencies Affected:** State Police.

**Local Agencies Affected:** Trial courts, local law enforcement agencies, sheriff's offices.

**Information Sources:**

**Fiscal Analyst:** Karen Firestone, 317-234-2106.